

BOARD OF APPEALS CASE NO. 4832

*

BEFORE THE

APPLICANT: Patio Enclosures, Inc.

*

ZONING HEARING EXAMINER

OWNERS: Thomas & Rebecca Wolf

**REQUEST: Variance to construct a deck
and sun room within the required setbacks;
2004 Bay Meadow Court, Forest Hill**

*

OF HARFORD COUNTY

*

Hearing Advertised

*

Aegis: 8/12/98 & 8/19/98

HEARING DATE: October 7, 1998

*

Record: 8/14/98 & 8/21/98

* * * * *

ZONING HEARING EXAMINER'S DECISION

The Applicant is Patio Enclosures, Inc. The Applicant is requesting a variance to Section 267-36(B), Table V, and Section 267-23(C)(1)(a)(6) of the Harford County Code, to construct a sun room within the required 35 foot rear yard setback and a deck within the required 26 foot rear yard setback in an R2/COS District.

The subject property is located at 2004 Bay Meadow Court in the Third Election District. The parcel is identified as Parcel No. 40, in Grid 2-D, on Tax Map 321. The parcel contains .278 acres, more or less, all of which is zoned R2/COS.

Mr. Gary Sife appeared and testified that he is a senior project manager with Patio Enclosures, Inc., and that the property owners, Thomas and Rebecca Wolf, are requesting variances so that they can construct an enclosure with dimensions of 14 feet by 18 feet and an open deck with dimensions of 14 feet by 28 feet. The witness said that if the requests are approved, the Applicants will maintain a 32 foot rear yard setback for the enclosure and a 22 foot setback for the open deck. The witness said the subject parcel is unique because of topographic conditions on the parcel and due to the unusual shape of the parcel, which is located on a cul-de-sac.

The witness said he did not feel the variance would be detrimental to adjacent properties because none of the property owners' neighbors appeared in opposition to the request and also the proposed enclosure and deck are not within the line of sight of any of the neighboring properties.

Case No. 4832 - Patio Enclosures, Inc. (Thomas & Rebecca Wolf)

The Staff Report of the Department of Planning and Zoning recommends conditional approval and provides:

“The subject property is a unique, wedge-shaped lot consisting of approximately .278 acres. The lot is not uniformly shaped and the useable area is limited due to the shape. Many of the dwellings in the neighborhood have decks and/or sun rooms.”

CONCLUSION:

The Applicant is requesting a variance to Section 267-36(B), Table V, and Section 267-23(C)(1)(a)(6) of the Harford County Code, which provides:

“The following structures shall be allowed to encroach into the minimum yard requirements, not to exceed the following dimensions:

- (6) Unenclosed patios and decks: up to, but not to exceed, twenty-five percent (25%) of the side or rear yard requirement for the district. No accessory structure shall be located within any recorded easement area.”

The Applicant is requesting a 3 foot variance for the enclosure and a 4 foot variance for the deck. The uncontradicted testimony of the Applicant’s witness is that the unusual shape of the parcel, which is located on a cul-de-sac, justifies approval of the variance. The testimony of the Applicant’s witness is corroborated by the Staff Report.

It is the finding of the Hearing Examiner that the subject parcel is unique for the reasons stated by the Applicant’s witness in his testimony and, further, that approval of the variance will not be substantially detrimental to adjacent properties or materially impair the purpose of the Code because no protestants appeared to testify in opposition to the request and, further, that many of the other dwellings in the area have decks and sun rooms.

Therefore, the requested variances are hereby granted, subject to the condition that the Applicant obtain all necessary permits and inspections for the deck and sun room.

Date NOVEMBER 5, 1998

L. A. Hinderhofer
Zoning Hearing Examiner